

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
September 27, 2010

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, September 27, 2010.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro-Tempore Stan McCormick  
Councilmember Bobby Rosenthal  
Councilmember Fred Prassel  
Councilmember Elliot Weser  
Councilmember John Savage

Also attending were:

City Manager Ann Benson McGlone  
City Attorney Mike Brennan  
Assistant City Manager/Public Works Director Shawn P. Eddy  
Communications/IT Manager Marian Ramirez  
Finance Director Cynthia Barr  
Community Development Director Brian Chandler  
Human Resource Manager Judith E. Surratt  
City Secretary Jennifer Reyna  
Fire Chief Buddy Kuhn  
Police Chief Rick Pruitt

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Mayor Louis Cooper called the meeting to order at 5:35 p.m.

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Mayor Cooper announced that Item # 5 would be considered first.

Items for Individual Consideration

*Item # 5* Mayor Cooper read the following caption.

**Consider confirmation of the City Manager's appointment of Buddy Kuhn as Fire Chief**

City Council confirmed City Manager Ann McGlone's appointment of Buddy Kuhn as Fire Chief. Ms. McGlone stated that Buddy Kuhn has demonstrated exceptional leadership and has done an excellent job since he was appointed in July 2010 to serve as Interim Fire Chief.

A motion for approval was made by Mayor Pro Tem Stan McCormick. The motion was seconded by Councilmember Elliot Weser and passed by unanimous vote.

City Secretary Jennifer Reyna administered the oath to Fire Chief Kuhn.

Fire Chief Buddy Kuhn thanked the City Council for the opportunity and the City Manager and Management Team for their support. Fire Chief Kuhn acknowledged his wife and family and thanked the Firefighters as they are the heart and soul of the organization.

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Mayor Cooper asked City Council for any corrections to the minutes of the September 13, 2010, City Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of September 13, 2010. The motion was seconded by Councilmember Bobby Rosenthal and passed by unanimous vote.

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*Item # 2      City Manager's Report*

**a. Announcement of National Night Out, October 5th**

City Manager Ann McGlone invited the community to celebrate National Night Out on Tuesday, October 5, 2010 at the City Complex. The event will start at 5:30 p.m. and end at 8:00 p.m. Free hot dogs, chips, and sodas will be served. There will be children activities including: a bicycle safety course, moon bounce, and face painting. She informed Council that the event's information will be on the City's website, displayed on the banner across City Hall, an email blast through Connect-Cty, and distribution of informational flyers to Cambridge Elementary students.

Councilman Rosenthal recognized the presence of Boy Scouts of America, Troop #809, Wolf Patrol in the audience. He explained they were present to observe the Council meeting as a requirement for their Citizenship in the Community merit badge.

**b. Landscaping of the Albany and Broadway Street Median**

This item was presented after Item # 4.

**c. Emergency Generator**

Ms. McGlone informed Council of the current condition of the emergency generator that is behind the City Complex. During the past storm, the City Complex was without power for 2 ½ hours and damage was caused to the communication systems. An electrical engineer is being hired to assess the building electrical circuitry and the capacity of the existing generator to provide critical power to the emergency management equipment. She informed Council that this item will be brought at a future Council

meeting with estimated costs and solutions for the emergency generator and electrical systems.

**d. Items for Referral or Discussion**

**1. Comprehensive Plan Priorities**

Ms. McGlone asked Council about their request to establish a process to identify Comprehensive Plan priorities. She added that costs and time to complete the project may be provided to assist in the identification of priorities.

There was a brief discussion among Council regarding whether citizens or Council should identify the priorities.

Council agreed that staff prepare a list of priorities to be presented to Council at a future City Council meeting. The list should include estimated monetary costs and provide the estimated time to complete the projects.

**2. Agreement with Guadalupe County Jail**

Ms. McGlone noted that due to overcrowding Bexar County does not accept Class C misdemeanor prisoners. She recommended Council consider an agreement with Guadalupe County for imprisonment of Class C misdemeanor offenders at a cost of \$50.00 per day per inmate. She recommended that this item be placed on a future Council agenda for consideration. Mayor Cooper recommended this item go forth to the Governance and Communication Committee prior Council consideration. Council agreed.

**3. Rules of Procedure Governing City Council Meeting – address requirement**

Ms. McGlone stated the address requirement was removed from the citizen sign-up sheet and if this change is acceptable, the Rules of Procedure Governing City Council Meeting will need to be revised.

Mayor Cooper suggested this item be considered by the Governance and Communication Committee to explore any other potential changes and report to Council. Council agreed.

**4. Texas Municipal Retirement System (TMRS) Update as requested by Councilmember John Savage**

Councilmember Savage noted the retirement funding is a considerable portion of the budget and stated if there is a chance of cost savings not affecting current employees, it is worth exploration.

He expressed concern that if the actuarial assessments are not accurate then the retirement plan funding may need to be increased. He stated he is cautiously optimistic.

Ms. McGlone stated that TMRS is known as one of the best managed plans in the country and was actually awarded the 2010 best public sector plan by a nationally recognized organization. She added that TMRS would notify the City if it believed that the City needed to increase its contribution.

Mayor Cooper thanked Councilmember Savage for bringing this item up and expressed his regrets that it caused some high levels of concern among employees. Mayor Cooper asked Councilmember Savage how he would like to proceed on this item.

Councilmember Savage requested for a quarterly report be presented to the Accountability and Management Council Committee. Council agreed.

The following citizen spoke on this matter:

Pal Wenger, resident, stated he is unclear about the retirement plan funding and what benefits are provided and encouraged Council to look at the entirety of the retirement plan.

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*Citizens To Be Heard Concerning Non-Agenda Items*

Pam Popejoy, resident, expressed concern about the Tree House Apartments as there are many violations that have not been addressed by the appropriate entity/property owner.

Laura Theurer, resident, expressed concern on street parking on the narrow streets such as Wildrose, Rosemary and Cloverleaf Avenues. Cars are having difficulty in passing through when cars are parked on the street, across from each other. She recommended the Police Department to provide warnings or fliers on vehicular windshields.

Ms. McGlone stated parking was addressed in the September newsletter. Chief Pruitt stated fliers are currently distributed among the community.

*Item # 4* Mayor Cooper read the following caption.

**Presentation of a preliminary Storm Water Drainage Improvement Plan by the San Antonio River Authority (SARA) and Bexar County**

Assistant City Manager/Public Works Director Shawn P. Eddy introduced Russell Persyn, representative with the San Antonio River Authority (SARA) and Art Villarreal from Bexar County.

Mr. Persyn made a Powerpoint presentation that included photos, maps, proposed storm sewer systems, and potential locations for detention ponds as part of the preliminary Storm Water Drainage Improvement Plan.

He announced the proposed detention basins and reviewed the potential multi-use objectives for the McNay and Patterson area. He stated Bexar County is overseeing the watershed program and distributed informational packets to the Council.

Art Villarreal, representative from Bexar County, stated the detention facilities will assist the flooding and funds have been allocated for this program. He informed Council that Bexar County is working with individual property owners who would be affected by the project.

Mr. Villarreal stated that this project is only one of many projects to be funded in the total amount of \$500 million dollars over a 10-year period. He also stated that the Alamo Heights project is considered a priority. The initial analysis, which is estimated to be complete over the next year, is determining if any fatal flaws exist that would prevent the project from proceeding.

Councilmember Prassel stated Councilmember Weser and himself have walked and observed the well springs behind the Central Market HEB area at the request of the citizens.

Mr. Villarreal acknowledged the existence of the springs and stated that they would be considered as part of the analysis. He noted that if the water table was particularly shallow other options may have to be explored.

The following citizens spoke on this matter:

George Geis, property owner, asked details about the funding. He asked who approves the projects and about the timeline for the regional project.

Mr. Villarreal stated the funding includes the cost of construction but was reluctant to cite a specific project budget as the initial analysis was not yet complete. He further stated that a map provision and letter will be submitted to the Federal government advising of the updated maps through CLOMAR (Conditional Letter Of Map Revisions). It is estimated that in 6 months up to a year the project will focus on design features. Within two years, ideal locations will be confirmed if the locations are viable. He stated Bexar County Flood Control was initiated in 2007 and this is the first time this project is going forth and it is a collaborative effort for everyone to work together.

Nancy Dunson, resident, asked if there are similar detention ponds to look at in San Antonio and requested that an artistic rendering be presented to the public when options are being presented at a future date.

Mr. Villarreal responded he was not aware of a similar detention in San Antonio but thought that there might be some in Austin.

John Luciano, property owner, asked what is the impact that detention ponds have on the property value and he requested data information on property values.

Mr. Villarreal stated that he was unaware how a detention pond might affect property values but noted that it would improve numerous properties by removing them from the floodplain and should complement appraisal values.

Cappy Lawton, resident and business owner, asked if the various entity representatives had personally visited the sites. Mr. Lawton stated that he had some training as an Engineer and he had personally walked the drainage tunnels under Broadway. He further commented that some of the inlets along Broadway are blocked and that trees and other vegetation have grown in the outlet behind the Central Market HEB. He also declared that for a minimal amount of money the inlets could be unblocked and the trees and other vegetation could be removed to improve drainage. Mr. Lawson asked if there were any short-term solutions that were considered to improve today's situation.

Mr. Villarreal responded that he had personally visited the sites and reviewed the preliminary information and studies. He stated that he was not aware of any short-term solution.

Mr. Persyn added that SARA did visit the site behind Central Market HEB and at the City's request checked their drainage models to see if it was cost effective to remove the vegetation in the channel behind the Central Market HEB. Mr. Persyn reported that the removal of the vegetation represented less than a 2% improvement in drainage capacity and therefore would be a negligible improvement in drainage for the area.

Lissa Martinez, resident, asked who is the representative for the Bexar Regional Water Shed Management and requested the representative speak to the community about detention pond sites. She also asked when the representative had last visited Alamo Heights. She expressed concern about the detention pond locations.

Mr. Persyn replied the representative for the Bexar Regional Water Shed Management is Bob Tome. Mr. Eddy added that Mr. Tome had visited with the City during the last year.

Margaret Spencer, resident, requested a sketch of the detention pond and the impact it will have on the property appraisal value. She expressed concern on the impact mosquitoes will have if the detention pond is an open pond.

John Grable, resident and property owner, observed that the floodplains have increased and expressed concern on the increased flooding. He asked about other detention ponds that are being built, specifically on Austin Highway.

Mr. Persyn responded that a map has been provided to City staff that displays water sources and stated the nearby detention pond on Austin Highway are part of the Salado Watershed.

Bill Kiel, resident and property owner, asked about other options if the detention pond on Patterson has a fatal flaw.

Mr. Villarreal responded to Mr. Kiel that preliminary studies are being conducted and there are alternatives.

Mr. Villarreal apologized for his passion regarding the program and stated that he has been working on this particular issue for the past 5-6 years. He emphasized that the public will be involved in this regional project.

Mayor Cooper and Mr. Eddy thanked Mr. Persyn and Mr. Villarreal for the presentation and for being present to answer questions on this regional issue.

Item # 2b was considered next.

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City Manager's Report (cont'd)

Item # 2 Mayor Cooper read the following caption.

**b. Landscaping of the Albany and Broadway Street Median**

Ms. McGlone introduced Life Scout Blake Rosenthal.

Blake Rosenthal announced that he has offered to do the landscaping of the Albany and Broadway Street median as a service to the City and part of his Eagle Scout Leadership Service Project, as he is a member of Troop 809.

Mr. Rosenthal provided background information on his experience and on the project. He described the park design which includes two or three benches. He stated a water fountain will be donated if he receives enough monetary donations to purchase a water fountain.

He invited the community to see the completed project on Saturday, Oct. 30<sup>th</sup>.

Item # 6 was considered next.

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Items for Individual Consideration (cont'd)

Item # 6 Mayor Cooper read the following caption.

**ORDINANCE NO. 1881**

**AN ORDINANCE ADOPTING REVISED FEDERAL  
EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD  
PLAIN MAPS FOR THE CITY OF ALAMO HEIGHTS**

Community Development Director Brian Chandler made a PowerPoint presentation that included background information, participating entities, and a map.

Mr. Chandler stated the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) identify high risk flooding areas called Special Flood Hazard Areas or floodplains, the adoption of which allows municipalities to participate in the National Flood Insurance Program (NFIP).

Mr. Russell Persyn stated that the purpose of the maps is to assess the risks. He presented a map adoption timeline and explained the legend. He informed Council that the maps do not account for local drainage issues. He encouraged the community to access the website, [www.bexarfloodfacts.org](http://www.bexarfloodfacts.org) for additional information. He emphasized that flooding affects infrastructure, homes and businesses. He reviewed the possible causes of floodplain changes.

The following citizens spoke on this matter:

George Geis, property owner, asked if he may obtain the old and current elevations so he may compare them. He expressed concern on the amount of fills for detention ponds.

Mr. Villarreal responded he will provide his contact information to Mr. Geis to provide him the requested information.

Lissa Martinez, resident, expressed concern in the water's movement and a need of understanding of the current situation. She commented that SARA has done a fabulous job in having these maps available.

Peggy Richardson, resident, distributed a petition to Council encouraging Council to reconsider approving the floodplain map. She expressed concern that her property and other properties are demonstrated in the floodplain map.

Mr. Chandler explained there was an error in notifying the property owners on Harrison Avenue that their properties were in the floodplain; however, he clarified that they are not in the floodplain. Ms. Richardson indicated that she was under the impression that her protest had removed the properties on Harrison Avenue from the floodplain map a couple of years ago. An official letter will be sent to the residents confirming their properties have been removed from the floodplain map.

Ms. McGlone added the City protested on their behalf to FEMA and received confirmation that their properties are not included in the map.

Cappy Lawton, property owner, spoke about the manner in which City staff communicates. He suggested rather than mailing out letters, City staff should pick up the phone and call everyone or go door-to-door to speak with residents. He then spoke on items not related to agenda Item # 6. He thanked Councilmember Savage for bringing attention to TMRS. Mr. Lawton stated he would like to know the amount of matching funds for TMRS over the past 10 years and also wage and benefit increases for City staff for the past 5 years.



The Mayor thanked Mr. Lawton for his comments, but directed Council back to the topic under consideration.

A motion for approval of adoption of the FEMA floodplain maps was made by Councilmember Rosenthal. The motion was seconded by Mayor Pro Tem McCormick and passed by unanimous vote.

*Item # 7* Mayor Cooper read the following captions.

**Budget and Tax Ordinances to be considered in the following order:**

**ORDINANCE NO. 1882**

**a. FY 2010-2011 OPERATING BUDGET**

**ORDINANCE NO. 1883**

**b. 2010 AD VALOREM TAX RATE**

Assistant City Manager/Public Works Director Shawn P. Eddy provided a PowerPoint presentation on the proposed budget and tax ordinances.

The City Charter requires that City Council adopt an annual operating budget for each fiscal period. The Fiscal Year 2010-2011 Operating Budget serves as a policy document to be consistent with the established mission, vision and goals of the City of Alamo Heights. The FY 2010-2011 Operating Budget is October 1, 2010 through September 30, 2011.

Finance Director Cynthia Barr presented the ad valorem tax rate of \$.355662 for every \$100.00 valuation for taxes being levied for the year beginning January 1, 2010 and ending December 31, 2010. This is the fourth year in a row in which the property tax rate has not been proposed to increase.

Councilmember Weser stated that current economic times are difficult and observed the future budget will require utmost discipline. He noted there has been a trend in a decline in the general fund reserves. He made several suggestions in considering the budget. He suggested 1) do nothing and leave budget as presented, 2) increasing the tax rate or 3) eliminating the 2% one-time employee performance pay.

Finance Director Cynthia Barr stated sufficient notices to consider raising property taxes had not been provided to taxpayers and calculations have not been made accordingly. Ms. Barr noted department spending was down and that every department has been conscientious in spending money this year.

There was a discussion among Council regarding the original proposed budget, Cost of Living Allowance (COLA), performance pay, and transfers. Options were also discussed to reduce the budget such as extending the life of current vehicles and eliminating vacant positions.

Mr. Eddy offered to present information on capital replacement fund to the City Council or the Accountability and Management Committee.

Councilmember Savage asked about the cost to purchase a generator.

Mr. Eddy stated that the Budget still included \$250,000 to purchase a generator. He also noted that the City would probably not be ready to purchase the generator until early 2011.

Mayor Cooper summarized that performance pay is beneficial to employees and wants the best Firefighter or Police Officer to provide those services. Councilmember Rosenthal added there is a cost in losing employees and currently the staff is hearing negative comments. He stated it is difficult during these economic times; however, it will cost more if the employees are not taken care of.

A motion for approval of the budget as presented was made by Councilmember Savage for the FY 2010-2011 Operating Budget. The motion was seconded by Councilmember Rosenthal and passed by unanimous vote.

A motion for approval was made by Councilmember Rosenthal for the 2010 Ad Valorem Tax Rate. The motion was seconded by Mayor Pro Tem McCormick and passed by unanimous vote.

*Item # 8* Mayor Cooper read the following caption.

**Consideration of Architectural Review Board Case No. 369F, submitted by Sally and Charles Owens, owners, represented by Bob Murray, SK & A Architects, in order to demolish > 25% of the existing structure's front façade at 235 Westover Road. This Demolition Review application is for determination of significance of the existing main structure and the compatibility of the proposed addition to the front of the existing structure**

Community Development Director Brian Chandler made a PowerPoint presentation, which included background information, map, photos, existing and proposed site plans, and elevations.

Mr. Chandler stated no written correspondence, for or against, had been received. He noted no variances were required for this project.

The Architectural Review Board found the request had no adverse impact on the significance of the structure and the request was compatible with the neighborhood.

Architect Bob Murray was present.

A motion for approval was made by Councilmember Prassel. The motion was seconded by Councilmember Weser and passed by unanimous vote.

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*Item # 9* Mayor Cooper read the following caption.

**Consideration of Architectural Review Board Case No. 371F, submitted by Shelly Home Co., owners, represented by Richard Garrison, Architect, in order to demolish 100% of the existing main and accessory structures at 322 Bluebonnet Boulevard. This Demolition Review application is for determination of significance of the existing main structure and the compatibility of the proposed replacement structure**

Community Development Director Brian Chandler made a PowerPoint presentation, which included background information, map, photos, existing and proposed site plans, and elevations.

Mr. Chandler stated one written comment was received from a neighbor in support of the project. He noted no variances were required for this project.

The Architectural Review Board found the request did not meet the standards of significance and the request was compatible with the neighborhood.

Councilmember Weser asked about the status of the buyer and whether the materials would be salvaged on the house.

Richard Garrison, architect and resident, responded the house was designed specifically for a prospective buyer and the purchase is pending on the approval of the house design. He stated that they would salvage as many materials as they could.

A motion for approval was made by Councilmember Weser. The motion was seconded by Councilmember Prassel and passed by unanimous vote.

*Item # 10* Mayor Cooper read the following caption.

**Consideration of Architectural Review Board Case No. 372F, submitted by Tiffany and Danny Ferry, owners, represented by John Grable, Architect, in order to replace an existing 1-story detached accessory structure with a 2-story detached accessory structure at 604 W. Castano Avenue. This Demolition Review application is for the compatibility of the proposed replacement two-story detached garage**

Community Development Director Brian Chandler made a PowerPoint presentation, which included background information, map, photos, existing and proposed site plans, and elevations.

Mr. Chandler stated no written correspondence, for or against, had been received. He noted no variances were required for this project.

The Architectural Review Board found the request was compatible with the neighborhood.

John Grable, architect, gave a 3D digital tour of the proposed project.

Mayor Cooper complimented Mr. Grable on the presentation as it contained before and after pictures. He recommended Mr. Chandler consider encouraging similar presentations as it was easy to follow. Council agreed.

A motion for approval was made by Councilmember Prassel. The motion was seconded by Councilmember Savage and passed by unanimous vote.

*Item # 11* Mayor Cooper read the following caption.

**Consideration of Architectural Review Board Case No. 373F, submitted by Anders and Karen Monsen, owners, represented by Lyndsay Thorn, Architect, in order to demolish 100% of the existing one-story detached accessory structure and replace it with a two-story detached accessory structure at 501 Abiso Avenue**

Community Development Director Brian Chandler made a PowerPoint presentation, which included background information, map, photos, existing and proposed site plans, and elevations.

Mr. Chandler stated no written correspondence, for or against, had been received and noted no variances were required for this project.

The Architectural Review Board found the request was compatible with the neighborhood.

Lyndsay Thorn, architect, demonstrated photos of the proposed site plans and explained the proposed modifications. He stated he has met with the neighbors and all the neighbors are fine with the proposed project.

Mayor Pro Tem McCormick stated that as a member of the Neighborhood Character and Commercial Revitalization Committee, there was concern with the size of the proposed construction.

Mr. Thorn asked about the difference between his case and the prior presentation.

Mr. Chandler responded that ARB Case No. 372F is on half of an acre and this project is on smaller amount of property, therefore, it affects the structure.

Mr. Thorn recommended a model of the existing and proposed structure be built to help Council understand the context. He also offered to meet the Council on-site and present his private home as it is designed similar as this one.

Mayor Pro Tem McCormick asked Mr. Chandler to schedule a meeting with Mr. Thorn to include Councilmember Weser to view the structure on-site.

A motion was made by Mayor Pro Tem McCormick to postpone this item until the October 11, 2010 City Council Meeting. The motion was seconded by Councilmember Weser and passed by unanimous vote.

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Staff Report

*Item # 12* Mayor Cooper read the following caption.

**City Facility Update**

This item was postponed until the October 11, 2010 City Council Meeting.

Closed Sessions


At 9:37 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Sections 551.071(1) and 551.074 of the Texas Government Code to consult with the City Attorney concerning pending or contemplated litigation, and to discuss personnel matters.

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Mayor Cooper reconvened the regular meeting at 12:03 a.m. There was no action taken during the closed session.

There being no further business, a motion was made by Mayor Pro Tem McCormick to adjourn the meeting. The motion was seconded by Councilmember Prassel and passed by unanimous vote. Mayor Cooper adjourned the meeting at 12:04 a.m.

  
Jennifer Reyna, TRMC  
City Secretary

  
Louis Cooper  
Mayor